

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ISRAEL CARL ISBELL,

Petitioner,

v.

**CIVIL ACTION NO.: 3:20-CV-220
(GROH)**

PAUL ADAMS, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Currently pending before the Court is a Report and Recommendation (“R&R”) filed by Magistrate Judge Robert W. Trumble on May 10, 2021. ECF No. 26. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. In the R&R, Magistrate Judge Trumble recommends that the Court terminate the Petitioner’s request for a temporary or preliminary injunction [ECF No. 1 at 5, 8; ECF No. 6] as moot because the Court previously issued an order that is equivalent to the relief the Petitioner seeks in his requests for injunction.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir.1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir.1984). Moreover, the Fourth Circuit has long held that “[a]bsent objection, we do not believe that any explanation need be given for adopting [an R&R].” Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983) (finding that without an objection, no explanation whatsoever is required of the district court when adopting an R&R).

Objections are due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Trumble entered the R&R on May 10, 2021. ECF No. 26. The R&R advised the Petitioner that failure to file timely, specific objections to the R&R’s findings and conclusions would constitute a waiver of de novo review of the R&R by this Court and an appellate review of the Court’s order by the Fourth Circuit. Id. at 5. The Petitioner accepted service of the R&R on May 14, 2021. ECF No. 29. The deadline to file objections expired one week ago, and no timely objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon careful review of the R&R, the Court finds that Magistrate Judge Trumble’s Report and Recommendation [ECF No. 26] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated within. Therefore, the Petitioner’s request for a temporary or preliminary injunction [ECF No. 1 at 5, 8; ECF No. 6] is **TERMINATED** as **MOOT**.

The Clerk is **DIRECTED** to mail a copy of this Order to the pro se Plaintiff by certified mail, return receipt requested, at his last known address as reflected in the docket sheet.

DATED: June 7, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE